

Settlement Conferences

The Court encourages parties and counsel to consider voluntary settlement conferences when and where appropriate. The Court is willing to serve as a facilitator upon the parties' request and/or an order of reference. Based on the nature of the case and the state of settlement negotiations, the Court will be prepared to devote the entire day for the conference.

Seven days before the settlement conference, each party shall submit by hand, fax or email a confidential, ex-parte settlement statement directly to the chambers of the Honorable Elizabeth A. Stafford, United States Magistrate Judge. **DO NOT FILE THESE STATEMENTS WITH THE COURT.** The statements shall be limited to ten pages, and shall include the following **clearly marked sections**:

- a. A brief description of the background and nature of the case;
- b. The party's perceived strengths;
- c. The party's perceived weaknesses;
- d. A statement identifying each cause of action at issue, and the remedies available under each of those causes of action;
- e. A summary of all settlement discussions that have taken place to date, including the **specific amount** of any offers and counter-offers that have been made;
- f. The **specific amount** of the party's opening settlement offer for the purpose of the conference.

The parties may not attach exhibits to their settlement statements, including any pleadings or motions (whether or not they have already been filed). Counsel should be mindful that the Magistrate Judge who is facilitating settlement is not trying the case or deciding dispositive motions at this point.

At the settlement conference, the parties and their attorneys are expected to conduct themselves in a business-like manner and to negotiate in good faith. Posturing and other theatrics are prohibited.

INDIVIDUALS WITH FULL SETTLEMENT AUTHORITY SHALL BE PERSONALLY PRESENT AT SETTLEMENT CONFERENCES. IF THE INDIVIDUALS WITH FULL SETTLEMENT AUTHORITY RESIDE OUT OF THE STATE, A PARTY MAY REQUEST PERMISSION TO HAVE SUCH INDIVIDUALS PARTICIPATE BY TELEPHONE. IF AN ATTORNEY MUST CONSULT WITH AN INSURANCE COMPANY AGENT IN ORDER TO PARTICIPATE MEANINGFULLY IN SETTLEMENT DISCUSSIONS, SUCH AGENT MUST BE PRESENT AS WELL. A PARTY APPEARING AT THE CONFERENCE WITH AUTHORITY TO SETTLE FOR ONLY A LIMITED AMOUNT WILL BE IN VIOLATION OF THIS ORDER.